

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **5:17-cv-00162-SVW-SHK**

Date: August 9, 2019

Title: ***George Ybarra v. Stanley Sniff, Jr. et al.***

Present: The Honorable Shashi H. Kewalramani, United States Magistrate Judge

D. Castellanos

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

**Proceedings (IN CHAMBERS): Order To Show Cause Why Claims Should Not Be
Dismissed For Failure To Follow Court Orders**

On July 19, 2019, Plaintiff George Ybarra (“Ybarra”) filed a Fourth Amended Complaint (“FAC”) in this action, presumably in response to the Court’s Order Dismissing the Third Amended Complaint With Leave to Amend (“Order”) issued on May 20, 2019. ECF No. 49, Order; ECF No. 52, FAC.

Upon review, the Court finds that the FAC has not complied with the instructions in the Court’s Order regarding Ybarra’s filing of an amended pleading. The Court’s Order stated that Ybarra could file a FAC stating all claims he intended to prosecute. The Court specifically stated that “[f]or the claims that the Court found deficient in the above Order, Ybarra must fix the deficiencies in the [FAC] if he wishes to continue litigating that claim.” ECF No. 49, Order at 17. The Court also stated that Ybarra must re-plead even those claims where no deficiencies were noted by the Court if he intended to continue prosecuting those claims. Id.

Ybarra’s FAC does not appear to follow these instructions. Rather, Ybarra’s FAC appears to be a verbatim recitation of the Order itself, with no attempt to remedy the deficiencies in his claims for Conspiracy, Inadequate Medical Care, or First Amendment Retaliation.

Accordingly, Ybarra is ORDERED TO SHOW CAUSE why these three claims should not be dismissed with prejudice for his failure to comply with Court orders. On or before **September 5, 2019**, Ybarra is ordered to either: (a) advise the Court that he does not desire to pursue his claims for Conspiracy, Inadequate Medical Care, and/or First Amendment

Retaliation; or (b) file a Fifth Amended Complaint re-pleading his Failure-to-Protect claim and amending the deficiencies in his Conspiracy, Inadequate Medical Care, and/or First Amendment Retaliation claims in compliance with the instructions in the May 20, 2019 Order. Ybarra's completion of either option (a) or (b) will be construed as a response to this Order to Show Cause. However, any filing that merely copies verbatim any of the Court's previous orders will **not** be deemed a response.

If Ybarra fails to respond, the Court will deem such failure a further violation of the Court's orders and further evidence of Ybarra's intention to discontinue prosecution of these claims, which may result in the dismissal of the three aforementioned claims from the action with prejudice and service of the only surviving claim—Failure to Protect under the Fourteenth Amendment—on Defendants.

IT IS SO ORDERED.